



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
1 Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

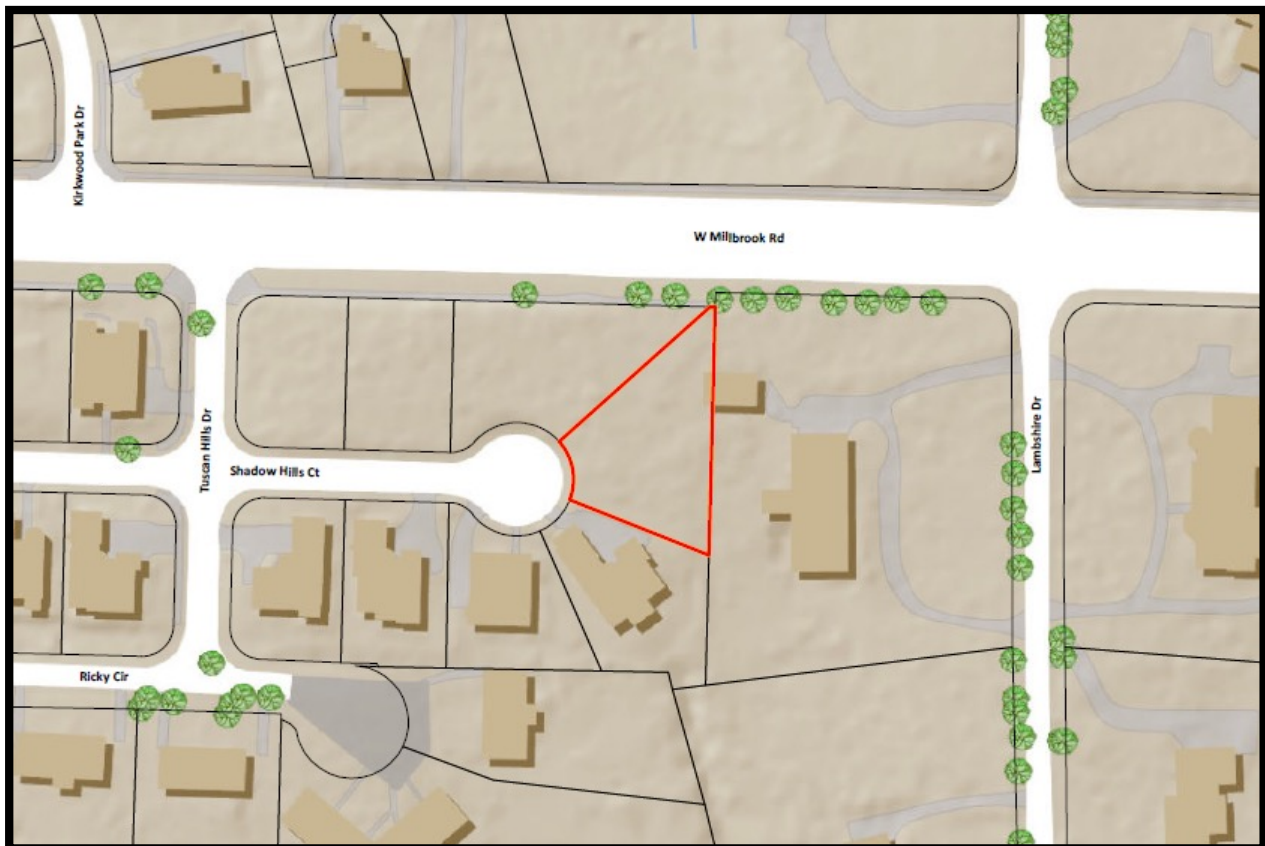
Case File: A-54-15

Property Address: 2500 Shadow Hills Court

Property Owner: Tuscany Construction Group Inc.

Project Contact: Isabel Worthy Mattox

Nature of Case: A request for a 10.2' rear yard patio setback variance from the regulations set forth in Section 1.5.4.D.1.f. resulting in a patio that extends 18.2' into the 30' rear yard setback on a .33 acre lot zoned residential 4 and located at 2500 Shadow Hills Court.

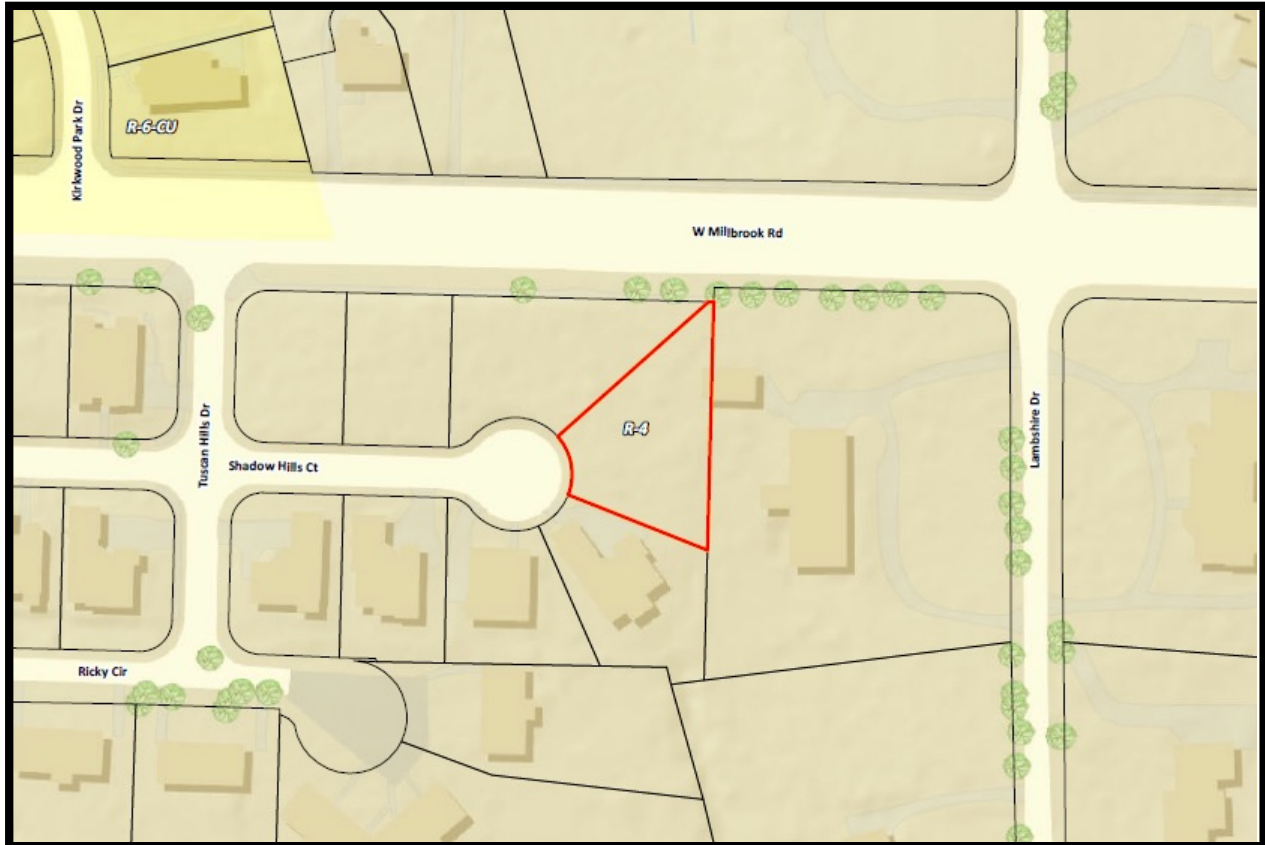


2500 Shadow Hills Court – Location Map

To BOA: 7-13-15

Staff Coordinator: Eric S. Hodge, AICP

**ZONING
DISTRICTS:** Residential-4



2500 Shadow Hills Court – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Setback Standards: The subject property is zoned Residential-4

Yard Type	Minimum Setback
Front Yard	20'
Side Street	15'
Side	10'
Sum of Side Setbacks	20'
Rear	30'

Section 1.5.4.D. Setback Encroachments

All buildings and structures must be located at or behind required setbacks, except as listed below. Underground structures covered by the ground may encroach into a required setback.

1. Building Features

- a. Porches, stoops, balconies, galleries and awnings and steps as set forth in Sec. 1.5.11.
- b. Chimneys or flues may extend up to 4 feet, provided that such extension is at least 2 feet from the vertical plane of any lot line.
- c. Building eaves, roof overhangs and light shelves may extend up to 5 feet, provided that such extension is at least 2 feet from the vertical plane of any lot line.
- d. Bay windows, oriels, vestibules and similar features that are less than 10 feet wide may extend up to 4 feet, provided that such extension is at least 2 feet from the vertical plane of any lot line.
- e. Unenclosed fire escapes or stairways may extend up to 4 feet into a required side or rear setback, provided that such extension is at least 5 feet from the vertical plane of any lot line.
- f. Unenclosed patios, decks or terraces may extend up to 4 feet into a required side setback, or up to 8 feet into a required rear setback, provided that such extension is at least 5 feet from the vertical plane of any lot line.

g. Cornices, belt courses, sills, buttresses or other similar architectural features may project up to 1½ feet.

h. Handicap ramps may project to the extent necessary to perform their proper function.



Planning & Development

Development Services
Customer Service Center
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Variance Application

A-54-15

OFFICE USE ONLY	
Nature of variance request (Submit addendum on separate sheet, if more space is needed.) Property Owner requests a 10.2 foot variance from UDO Section 1.5.4D1f which states that unenclosed patios may extend up to 8' into a required rear setback. The unenclosed patio for the subject property extends 18.2 feet into the 30-foot rear yard. The hardship in this case is the presence of a large TCA consuming the northern approximately one-half of this 0.33A lot, a drainage easement running along the south line and falling topo on the southern side of the lot.	Transaction Number
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.	

GENERAL INFORMATION			
Property Address 2500 Shadow Hills Court		Date June 11, 2015	
Property PIN 0796666619	Current Zoning R-4		
Nearest Intersection Lambshire Drive and W. Millbrook Road		Property size (in acres)	
Property Owner Tuscany Construction Group Inc.	Phone	Fax	
	Email		
Project Contact Person Isabel Worthy Mattox	Phone 919-828-7171	Fax 919-831-1205	
	Email Isabel@mattoxfirm.com		
Property Owner Signature 	Email Tuscany Group@aol.com		
Notary Sworn and subscribed before me this 11th day of June, 2015	Notary Signature and Seal 		

It is improper to contact any member of the Board of Adjustment prior to the disposition of a case to discuss the request for variance application will not be considered complete until all required submittal components listed on the Variance Checklist have been received and approved.



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Variance Intake Requirements

TO BE COMPLETED BY APPLICANT			COMPLETED BY CITY STAFF		
	YES	N/A	YES	NO	N/A
General Requirements – Variance					
1. I have referenced the Variance Checklist and by using this as a guide, it will ensure that the application is processed in a timely manner	<input checked="" type="checkbox"/>				
2. Variance application review fee (see Development Fee Schedule for rate)	<input checked="" type="checkbox"/>				
3. Completed, notarized application signed by the property owner	<input checked="" type="checkbox"/>				
4. One set of stamped envelopes addressed to all property owners within 100 feet of the subject property	<input checked="" type="checkbox"/>				
5. List of all adjacent property owners	<input checked="" type="checkbox"/>				
6. Plot Plan drawn to scale, containing a north arrow, area of lot, location of all existing improvements and use areas, location of proposed improvements, location of any constraints such as flood plain area, tree conservation area, buffer yards, easements, and sight distance triangles	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
7. If the variance request involves a structure, sign or fence, architectural elevations must be submitted	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
8. If the property has been cited by a Code Enforcement Officer, include a copy of the citation	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
9. Is variance needed to legalize an existing improvement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>			



Planning & Development

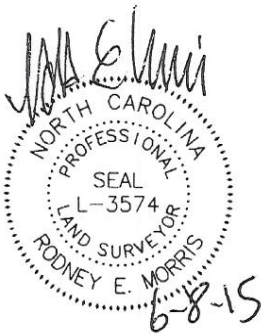
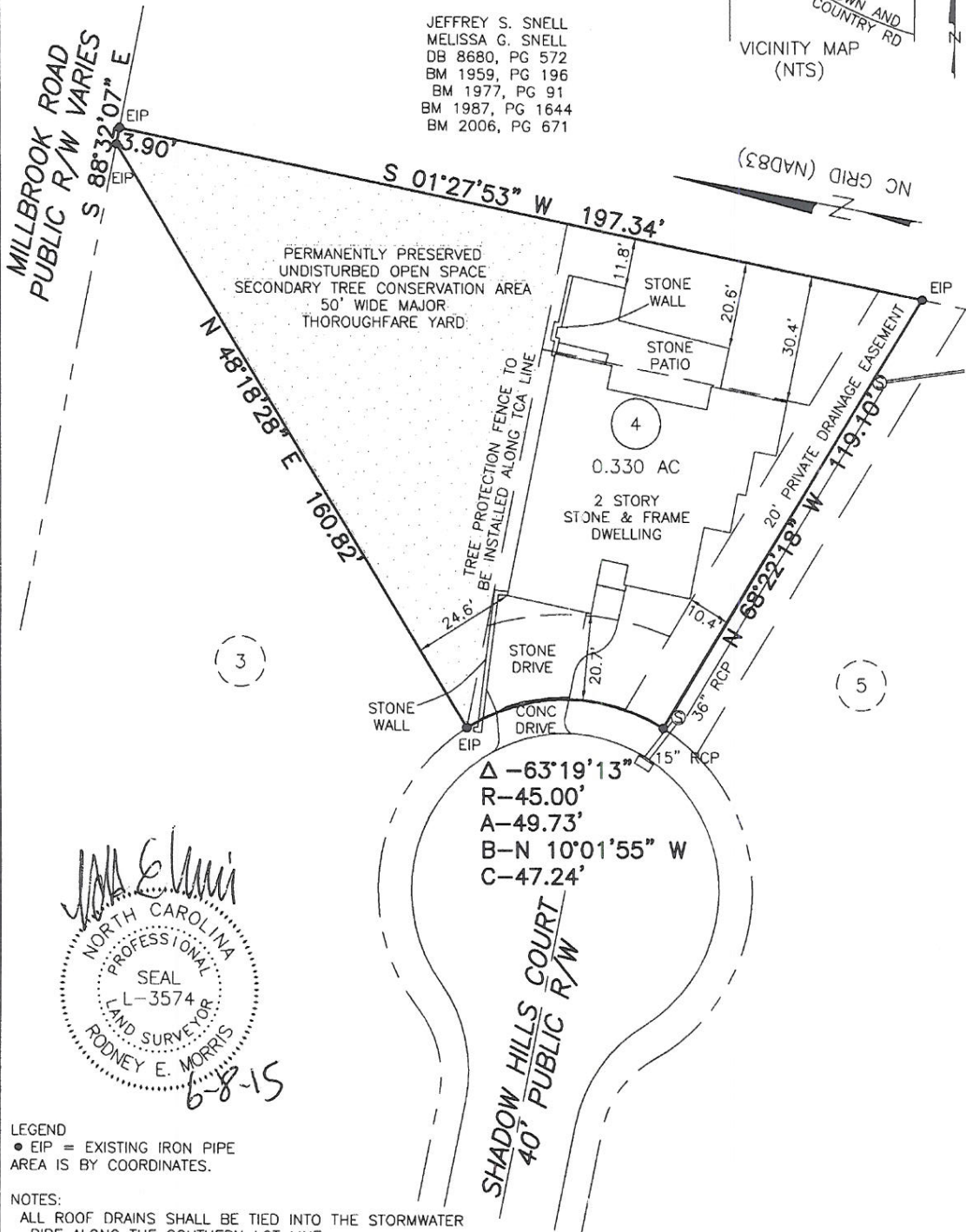
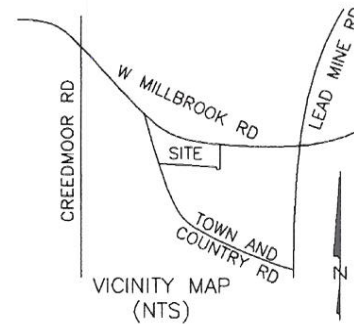
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Variance Checklist

TO BE COMPLETED BY APPLICANT		YES	N/A
PRE-SUBMITTAL REQUIREMENTS			
1. Pre-Application Conference with staff	<input checked="" type="checkbox"/>		
2. Completed Variance Intake Requirements sheet	<input checked="" type="checkbox"/>		
3. Variance applications shall be submitted to the Zoning Division, 4 th floor of One Exchange Plaza	<input checked="" type="checkbox"/>		
VARIANCE REQUIREMENTS			
1. The property owner must be the applicant.	<input checked="" type="checkbox"/>		
2. A signed, notarized application and submittal fee are required.	<input checked="" type="checkbox"/>		
3. The applicant must submit stamped envelopes addressed to the property owners within 100 feet of the subject property. City staff will mail the public hearing notices.	<input checked="" type="checkbox"/>		
4. The Board of Adjustment conducts a quasi-judicial hearing. You may not contact the Board members once the application has been filed.			
5. The Board of Adjustment is not empowered to modify zoning lines or grant a use variance.			
6. The Board of Adjustment may attach conditions of approval to a variance to protect surrounding properties.			
7. City Staff will place a public hearing sign on the subject property. The sign must be prominently displayed on the property for at least ten days before the hearing. The property owner is responsible for maintaining the sign during this ten day period. The owner must return the sign to city staff within three days of the hearing. The owner will be charged \$45 for any sign not returned.			
VARIANCE CONSIDERATIONS			
The Board of Adjustment will review all variance requests against the following showings:			
1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made from the property.			
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.			
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.			
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.			

PATIO LOCATION
FOR TUSCANY CONSTRUCTION GROUP
LOT 4 TUSCAN HILLS
2500 SHADOW HILLS COURT
BOOK OF MAPS 2008, PAGE 887
HOUSE CREEK TOWNSHIP
WAKE COUNTY, NC

JEFFREY S. SNELL
MELISSA G. SNELL
DB 8680, PG 572
BM 1959, PG 196
BM 1977, PG 91
BM 1987, PG 1644
BM 2006, PG 671

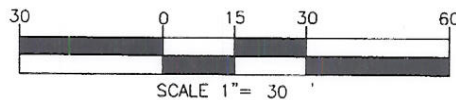


LEGEND
● EIP = EXISTING IRON PIPE
AREA IS BY COORDINATES.

NOTES:
ALL ROOF DRAINS SHALL BE TIED INTO THE STORMWATER
PIPE ALONG THE SOUTHERN LOT LINE.

I, RODNEY E. MORRIS, CERTIFY THAT THIS MAP IS CORRECT TO
THE BEST OF MY KNOWLEDGE AND BELIEF, AND WAS DRAWN
FROM A SURVEY MADE UNDER MY SUPERVISION ON JUNE 6,
2015; THAT ENCROACHMENTS, IF ANY AT THE TIME OF THE
SURVEY, ARE SHOWN.

THOMPSON and ASSOCIATES, P.A.
153 HOLLY SPRINGS ROAD
HOLLY SPRINGS, NC 27540
(919) 577-0808 FAX (919) 577-0609



DATE 6/8/15	SURVEYED EAP	DRAWN REM
DRAWING THILL4	JOB NO. TS-TH4	SCALE 1" = 30'

THIS PROPERTY IS NOT LOCATED IN A
F.E.M.A. 100 YEAR FLOOD HAZARD AREA.
F.I.R.M. PANEL NO. 3720079600J

[Home](#)

Wake County Real Estate Data Account Summary

[iMaps](#)[Tax Bills](#)Real Estate ID **0369620** PIN # **0796666619**

Location Address

2500 SHADOW HILLS CT

Property Description

LO4 TUSCAN HILLS BM2008-00887[Account Search](#)[Pin/Parcel History](#) [Search Results](#) [New Search](#)[NORTH CAROLINA](#) [Account](#) [Buildings](#) [Land](#) [Deeds](#) [Notes](#) [Sales](#) [Photos](#) [Tax Bill](#) [Map](#)

For real estate accounts created or new construction built after January 1, 2015: Property values are under review for tax year 2016. Land and building values on these properties will reflect an assessment based on the January 1, 2008 Schedule of Values until late 2015 or early 2016 at which time the January 1, 2016 revaluation values for both land and buildings will be available.

Property Owner TUSCANY CONSTRUCTION GROUP INC Use the Deeds tab above to view any additional owners		Owner's Mailing Address 125 GLENWOOD AVE RALEIGH NC 27603-1703	Property Location Address 2500 SHADOW HILLS CT RALEIGH NC 27612-2958
Administrative Data Old Map # 378-- Map/Scale 0796 11 VCS 07RA134 City RALEIGH Fire District Township HOUSE CREEK Land Class VACANT ETJ RA Spec Dist(s) Zoning R-4 History ID 1 History ID 2 Acreage .33 Permit Date 12/29/2014 Permit # 0000118389		Transfer Information Deed Date 5/9/2006 Book & Page 11947 2563 Revenue Stamps Pkg Sale Date Pkg Sale Price Land Sale Date Land Sale Price Improvement Summary Total Units 0 Recycle Units 0 Apt/SC Sqft Heated Area	Assessed Value Land Value \$165,000 Assessed Bldg. Value Assessed Tax Relief Land Use Value Use Value Deferral Historic Deferral Total Deferred Value Use/Hist/Tax Relief Assessed Total Value \$165,000 Assessed*

*Wake County assessed building and land values reflect the market value as of January 1, 2008, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2008 values will remain in effect until the next county-wide revaluation, which begins January 1, 2016. Until that time, any real estate accounts created or new construction built is assessed according to the 2008 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Revenue Department at RevHelp@wakegov.com or call 919-856-5400.

Real Estate ID 0369620

PIN # 0796666619

Location Address

2500 SHADOW HILLS CT

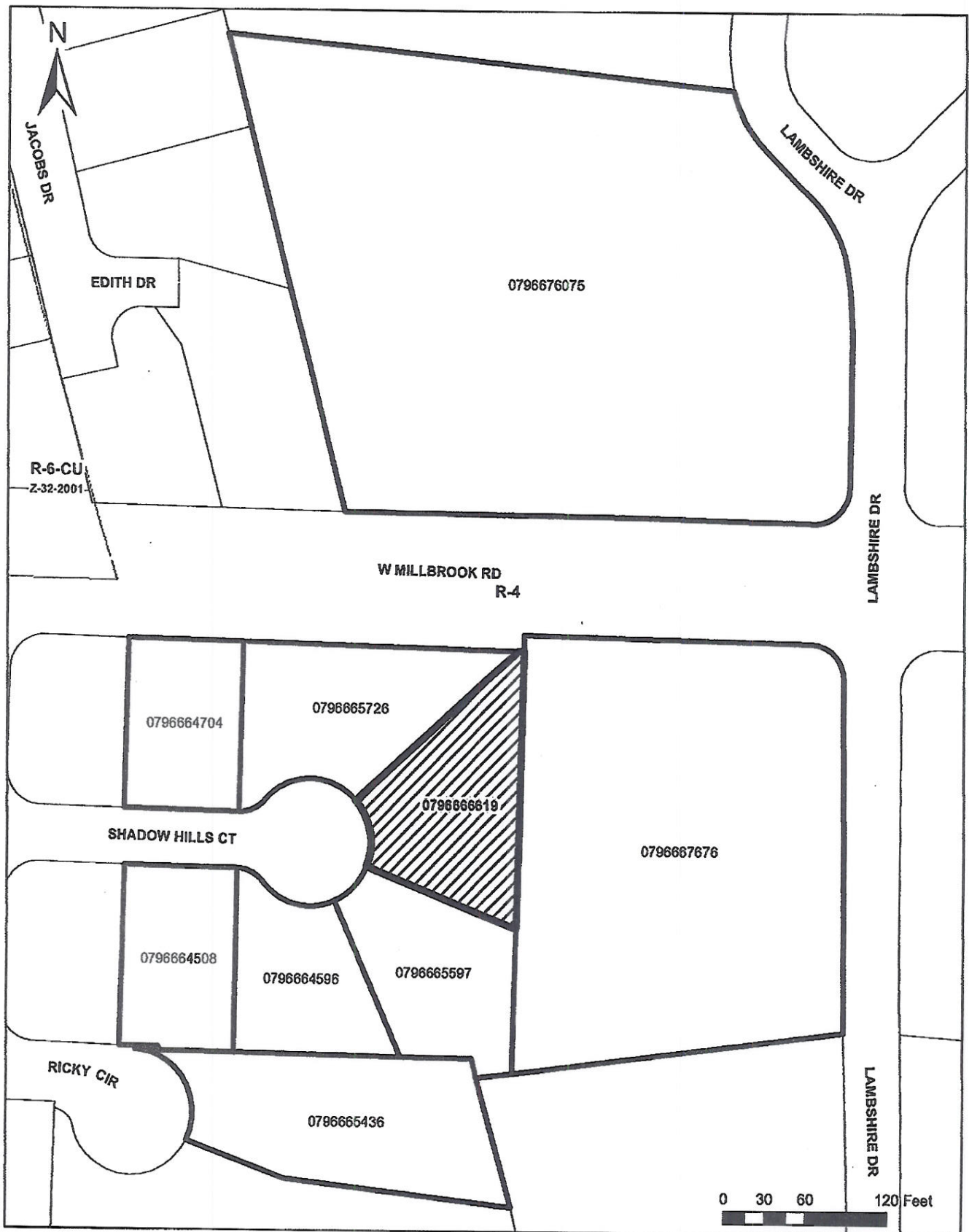
Property Description

LO4 TUSCAN HILLS BM2008-00887Account
Search

[Pin/Parcel History](#)
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[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)



Building Location Address 2500 SHADOW HILLS CT		Building Description 07RA134		Card 01 Of 01																																																																	
Bldg Type Units Heated Area Story Height Style Basement Exterior Const Type Heating Air Cond Plumbing		Year Blt Addns Int. Adjust. Other Features		Base Bldg Value Grade Cond % Market Adj. Market Adj. Accrued % Incomplete Code Card 01 Value All Other Cards Land Value Assessed \$165,000 Total Value Assessed \$165,000																																																																	
Main and Addition Summary <table border="1"> <thead> <tr> <th>Story</th> <th>Type</th> <th>Code</th> <th>Area</th> <th>Inc</th> </tr> </thead> <tbody> <tr><td>M</td><td></td><td></td><td></td><td></td></tr> <tr><td>A</td><td></td><td></td><td></td><td></td></tr> <tr><td>B</td><td></td><td></td><td></td><td></td></tr> <tr><td>C</td><td></td><td></td><td></td><td></td></tr> <tr><td>D</td><td></td><td></td><td></td><td></td></tr> <tr><td>E</td><td></td><td></td><td></td><td></td></tr> <tr><td>F</td><td></td><td></td><td></td><td></td></tr> <tr><td>G</td><td></td><td></td><td></td><td></td></tr> <tr><td>H</td><td></td><td></td><td></td><td></td></tr> </tbody> </table>			Story	Type	Code	Area	Inc	M					A					B					C					D					E					F					G					H					Other Improvements <table border="1"> <thead> <tr> <th>Units</th> <th>DesItem</th> <th>Code</th> <th>Year</th> <th>%</th> <th>Inc</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td>ADJ</td> <td></td> <td></td> </tr> </tbody> </table>			Units	DesItem	Code	Year	%	Inc	Value					ADJ		
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Building Sketch			Photograph																																																																		



2500 Shadow Hills Court



0796666619
TUSCANY CONSTRUCTION GROUP INC
125 GLENWOOD AVE
RALEIGH NC 27603-1703

0796664704
DE RIJKE, JEFFREY LANGHAM, ANDREA
2508 SHADOW HILLS CT
RALEIGH NC 27612-2958

0796665726
PERCIVALL, JOHN S III PERCIVALL,
DEBORAH P
8124 LLOYD ALLYNS WAY
RALEIGH NC 27615-4930

0796664508
HONEYCUTT, RANDY E HONEYCUTT,
DONNA H
2509 SHADOW HILLS CT
RALEIGH NC 27612-2959

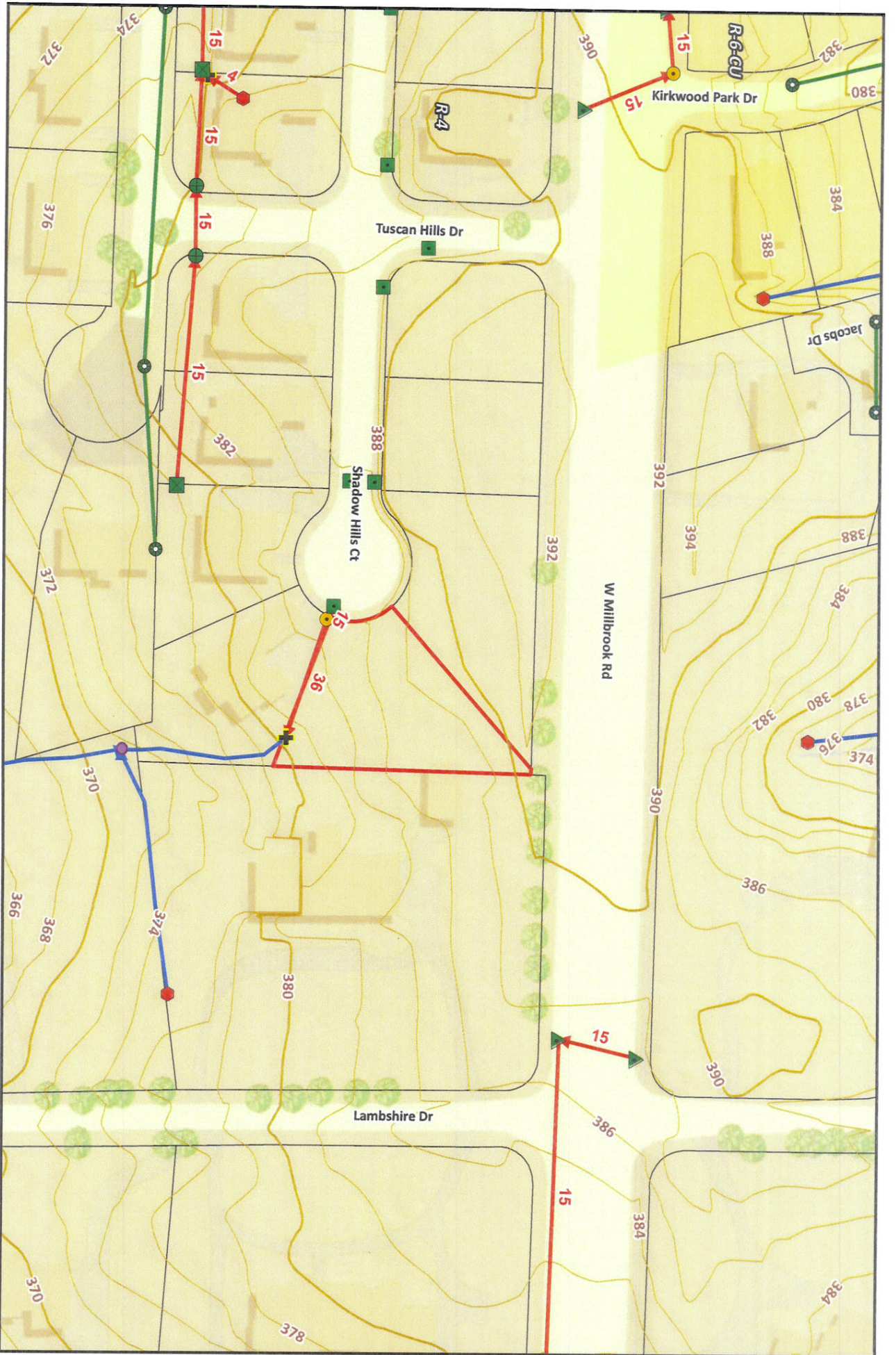
0796665436
13TH FLOOR HOLDINGS LLC
3434 EDWARDS MILL RD STE 112-384
RALEIGH NC 27612-4275

0796667676
DANIEL, HARRY T TRUSTEE HARRY T
DANIEL LVNG TRUST
5515 LAMBSHIRE DR
RALEIGH NC 27612-2925

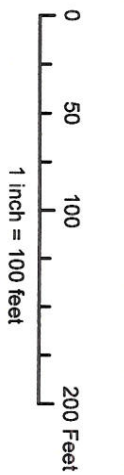
0796664596
WASHINGTON, DAMON L WASHINGTON,
ALISA F
2505 SHADOW HILLS CT
RALEIGH NC 27612-2959

0796665597
BURES, HYNEK BURESOVA, RENATA
2501 SHADOW HILLS CT
RALEIGH NC 27612-2959

0796676075
PAGE, ALLEN F PAGE, BARBARA B
5601 LAMBSHIRE DR
RALEIGH NC 27612-2821



Tuscan Shadow Hills



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